REMARKS

Claims 23-33, 35, and 36 are pending, with claims 23, 29, 35, and 36 being independent. Claims 1-22, 34, and 37-47 were cancelled by previous amendments without waiver or prejudice. Claim 23 has been amended for clarity.

Rejections under Section 103

Claims 23-28, and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Biggar et al. (U.S. Patent No. 6,820,802) in view of Partovi et al. (U.S. Patent No. 6,807,574). Applicant respectfully traverses this rejection.

Claim 23 recites a method for enabling a billing configuration that includes, among other features, receiving first data regarding a communications characteristic. Second data indicative of a frequency of usage related to the communications characteristic and third data indicative of a frequency of usage threshold are retrieved. The second data is compared to the third data, and a billing configuration is enabled based on results of the comparison between the second data and the third data.

Applicant requests reconsideration and withdrawal of the rejection of claim 23 because Biggar and Partovi, either alone or in combination, fail to describe or suggest all of the features of claim 23. Specifically, Biggar and Partovi fail to describe or suggest "retrieving second data indicative of a frequency of usage related to the communications characteristic," as recited in claim 23. Furthermore, Biggar and Partovi fail to describe or suggest "retrieving third data indicative of a frequency of usage threshold," as recited in claim 23.

Biggar describes "online account activation between a consumer having an account with a service provider" (Biggar Abstract). The consumer provides information identifying the account to be activated, such as a credit card account, to the service provider (Biggar, col. 4, lines 35-45). The service provider retrieves locally stored information identifying the account (Biggar, col. 4, lines 46-51) and compares the information received from the consumer to the locally stored information (Biggar, col. 4, lines 46-54). Alternatively or additionally, the service

provider may retrieve information from an external data source when processing the information received from the consumer (Biggar, col. 4, lines 55-59). Depending on whether the information received from the consumer matches the locally stored information or the information received from the external data source, the account may be activated (Biggar, col. 5, lines 28-55).

The sections of Biggar cited by the Office Action to describe "second data indicative of a frequency of usage related to the communications characteristic" and "third data indicative of a frequency of usage threshold," as recited in claim 23, actually describe "previously stored customer data" and "previously-stored database information corresponding to either the cardholder or the card" (Biggar, col. 4, lines 50-54). Such recitations from Biggar do not describe or suggest that the data are indicative of a frequency of usage related to the communications characteristic or of a frequency of usage threshold. Instead, the cited sections of Biggar merely suggest that the data identify the cardholder or the card.

Therefore, Biggar does not describe or suggest "retrieving second data indicative of a frequency of usage related to the communications characteristic," as recited in claim 23. Furthermore, Biggar does not describe or suggest "retrieving third data indicative of a frequency of usage threshold," as recited in claim 23.

Partovi does not remedy the failure of Biggar to describe or suggest these features. Moreover, the Office Action does not rely on Partovi to teach any of the features of claim 23. Thus, Biggar and Partovi, either alone or in combination, fail to describe or suggest retrieving second data indicative of a frequency of usage related to the communications characteristic and third data indicative of a frequency of usage threshold, as recited in claim 23.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of claim 23 and its dependent claims.

Similarly, claim 35 recites a system in which second data indicative of a frequency of usage related to the communications characteristic and third data indicative of a frequency of usage threshold are retrieved. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of claim 35, for at least the reasons described above with respect to claim 23.

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Rejections under Section 102

Claims 29-33 and 36 stand rejected under 35 U.S.C. 102(e) as being anticipated by Durinovic-Johri et al (U.S. Patent No. 5,699,514). Applicant respectfully traverses this rejection.

Claim 29 recites a method for enabling a user configuration. Data regarding a communication characteristic is received, and a formatting characteristic of the data received is identified. The formatting characteristic is compared against a format criteria, and a user configuration is enabled based on results of the comparison between the formatting characteristic and the format criteria.

Applicant requests reconsideration and withdrawal of the rejection because Durinovic-Johri fails to describe or suggest all features and limitations of independent claim 29. Specifically, Durinovic-Johri fails to describe or suggest at least "identifying a formatting characteristic of the data received," as recited in claim 29. Furthermore, Durinovic-Johri fails to describe or suggest "comparing the formatting characteristic against a format criteria," as recited in claim 29.

Durinovic-Johri describes an access control system that stores a primary code and a secondary code for each user that is authorized to access a resource (Durinovic-Johri, Abstract). The user may provide only the primary code to gain access to the resource when the user has submitted less than a first threshold number of invalid requests for access to the resource within a first threshold amount of time. An invalid request from the user is a request that includes an indication of the primary code that does not match an indication of the primary code that is stored by the access control system. After the first threshold has been exceeded, the user may be required to provide both the primary and secondary codes to gain access to the resource. If the user provides indications of the primary and secondary codes that do not match the indications of the primary and secondary codes that are stored by the access control system more than a second threshold number of times within a second threshold amount of time, the user may be denied access to the resource for a particular amount of time.

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The sections of Durinovic-Johri cited by the Office Action to describe "identifying a formatting characteristic of the data received," as recited in claim 29, actually describe determining whether to reset system state "based upon the time difference between the current time and the time at which the last failed access attempt occurred" (Durinovic-Johri, col. 4, lines 23-25). Therefore, the cited section of Durinovic-Johri does not describe or suggest that a formatting characteristic of the received data is identified, as alleged by the Office Action. In fact, the described determination of whether to reset system state does not depend on the received data or its format.

Similarly, the sections of Durinovic-Johri cited by the Office Action to describe "comparing the formatting characteristic against a format criteria," as recited in claim 29, actually describe comparing data received from a user against a locally-stored version of the data to determine whether a match exists. Neither the received data nor the locally-stored version of the data represents a formatting characteristic or a format criteria. Instead, the received data and the locally-stored version of the data represent raw pieces of data that are compared to one another.

In response to Applicant's arguments in an earlier amendment, the Office Action indicates that "the Durinovic-Johri discloses a typical format of records stored in a database represents information associated with a particular user requesting access Fig. 4, Col. 7, lines 21-25, Durinovic-Johri disclose the identifying the characteristic formatting" (Office Action, page 6). While Durinovic-Johri describes a format of a database from which data is retrieved, Durinovic-Johri fails to describe or suggest identifying a formatting characteristic of received data. Applicant submits that the format of the database that includes the received data is not a formatting characteristic of the received data itself. The format of the database identifies a location for the received data within the database, without indicating a formatting characteristic of the received data at the identified location.

Moreover, Durinovic-Johri fails to describe or suggest comparing the formatting characteristic to a format criteria. For example, under the assumption that the format of a database that includes the received data is a formatting characteristic of the received data,

Durinovic-Johri fails to describe or suggest comparing the format of the database to a format criteria and enabling a user configuration based on results of such a comparison. Under the assumption that the format of the database is not a formatting characteristic of the received data, Durinovic-Johri fails to describe or suggest another formatting characteristic of the received data that may be compared against a format criteria.

Thus, Durinovic-Johri does not describe the features of "identifying a formatting characteristic of the data received," as recited in claim 29. Furthermore, Durinovic-Johri fails to describe or suggest "comparing the formatting characteristic against a format criteria," as recited in claim 29.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 102(e) rejection of claim 29 and its dependent claims.

Similarly, claim 36 recites a system in which a formatting characteristic of received data is identified and compared against a format criteria. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 102(e) rejection of claim 36, for at least the reasons described above with respect to claim 29.

No fees are believed to be due. During the prosecution of this application, please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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